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EXAMINER

FISHER, PAUL R

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3609

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/661,944

Applicant(s)

MARTI, DAVID

Examiner

Paul R. Fisher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/12/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/23/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This communication is a first Office Action Non-Final rejection on the merits.

Claims 1-26, as originally filed, are currently pending and have been considered below.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 322 of figure 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 11 and 18 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s)

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in proper dependent form, or rewrite the claim(s) in independent form. Claims 11 and 18 are to a computer readable medium that stores the executable instructions for performing the method and fail to limit that method further.

4. Claim 21 objected to because of the following informalities: Claim references itself as where the method was defined. Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 11 and 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Computer-readable medium as described in the specification is defined as being communication connection that comprises of a wireless signal and at this time signals are currently considered forms of energy and there for are non-statutory.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, the term "threshold" is indefinite and fails to clearly define how the metes and bounds of that threshold are met.

As per claims 2-25, have the same deficiency of claim 1 and therefore are rejected on the same rationale as claim 1.

As per claim 26, is rejected on the same rationale as claim 1 above, further the recitation "linking to or from other websites" is indefinite since a website was not previously claimed. Examiner is taking that claim 26 claims a website that links to and from other websites.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 3, 5, 6, 9, 10, 19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by The Ottawa Citizen: "Let the wide screen transport you" (Mar 3, 2001) hereafter Ottawa.

As per claim 1, Ottawa teaches a method for viewing a movie in a theater (Abstract; via Lean back and enjoy the view as the Imax/Omnimax Theatre...), the method comprising: receiving a request from one or more users to view a movie in a theater in a particular location, wherein the movie is associated with a threshold (Abstract; via three more are back by popular demand, the threshold was met by the

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demand of the public, after the threshold was met the movies were brought back); receiving a commitment to purchase a ticket to the movie from the one or more users if the threshold is not satisfied (Abstract; via three more are back by popular demand, the threshold was met by the demand of the public, after the threshold was met the movies were brought back); determining whether a threshold for the movie is satisfied (Abstract; via three more are back by popular demand, the threshold was met by the demand of the public, after the threshold was met the movies were brought back); and notifying the one or more users when the threshold is satisfied and that the movie can be viewed in the theater by the one or more users (Abstract; via The festival began Thursday and runs daily until March 31).

As per claim 3, Ottawa further teaches that a commitment to purchase a ticket to the movie further comprises one or more of: receiving payment from the one or more users (Abstract; via Tickets (per movie): \$8.50, \$7 for seniors (65 and over) and youth (13 to 17), \$6 for children (two to 12)); and receiving payment from the one or more users when the threshold is satisfied (Abstract; via Tickets (per movie): \$8.50, \$7 for seniors (65 and over) and youth (13 to 17), \$6 for children (two to 12)).

As per claim 5, Ottawa further teaches that determining whether a threshold for the movie is satisfied further comprises at least one of: determining if a profit threshold for the movie is satisfied based on the commitment of the one or more users (Abstract; via three more are back by popular demand, the threshold was met by the demand of the public, after the threshold was met the movies were brought back); and determining if an attendance threshold for the movie is satisfied based on the commitment of the

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one or more users (Abstract; via three more are back by popular demand, the threshold was met by the demand of the public, after the threshold was met the movies were brought back).

As per claim 6, Ottawa teaches that notifying the one or more users when the threshold is satisfied further comprises identifying a location to the one or more users where the movie will be shown, wherein the location includes a place, a time and a date (Abstract; via The festival began Thursday and runs daily until March 31, it is being held at the Imax/Omnimax Theatre at the Canadian Museum of Civilization, for the English movie schedule, call...).

As per claim 9, Ottawa teaches that movie is one of: a movie that was previously released in theaters; a movie that was never released in theaters; a historical documentary; a movie that is in a production or planning stage; and a visual/audio performance (Abstract; via three more are back by popular demand, this shows that the movies were movies that were shown in the theatre at a previous time and are being brought back).

As per claim 10, Ottawa further teaches that notifying the one or more users when the threshold is satisfied further comprises showing the movie at the location of the one or more users, wherein the location is associated with the one or more users and with the movie (Abstract; via back by popular demand, users that frequent this theater asked for these films to be shown again in response the theater is going to show them again along with a set of new films. The time these movies are going to be shown is between the Thursday that this article was written and runs daily until March 31 of the

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year this article was written. The location for these even is the Canadian Museum of Civilization. The users were notified of this viewing both by the theater box office and by this article itself when it was originally run).

As per claim 19, Ottawa teaches a system including a movie that has previously been shown in a theater, a method for causing the movie to be shown in a particular theater again, the method comprising (Abstract; via Lean back and enjoy the view as the Imax/Omnimax Theatre, three more are back by popular demand, a theater is showing movies that were once shown there again because the demand was high enough): determining a commitment of one or more users to view the movie in the particular theater, wherein the commitment increases each time a new user commits to view the movie (Abstract; via back by popular demand, this demand shows that there were users willing to commit to viewing these movies again); when the commitment passes a threshold, notifying the one or more users that have committed to view the movie that the threshold has been satisfied and that the movie will be shown in the particular theater (Abstract; via back by popular demand, this demand caused the theater to reshow these movies during a particular time at a particular place and these users were notified by the box office and this article); and showing the movie in the particular theater to at least the one or more users that have committed to view the movie (Abstract; via these movies being shown from the Thursday of the writing of this article and March 31 of the same year this article was written these movies will be shown daily).

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As per claim 22, Ottawa further teaches notifying other users that the movie will be shown in the particular theater (Abstract; via The festival began Thursday and runs daily until March 31, This information was printed in this article and was also available through the box office).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2, 7, 11, 12, 14, 15, 16, 18, 24, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ottawa as applied to claim 1 above, and further in view of Netflix: Easy DVD Movie Rentals at NetFlix.com (1/17/1999) hereafter Netflix.

As per claim 2, Ottawa teaches the above-enclosed invention, but fails to disclose wherein receiving a request from one or more users to view a movie in a theater in a particular location further comprises: logging the one or more users into a website; searching for the movie; and identifying a location for each of the one or more users.

Netflix teaches wherein receiving a request from one or more users to view a movie in a theater in a particular location further comprises: logging the one or more users into a website (Main login page; via Returning Visitor Check in part, this allowing the users to login to the website); searching for the movie (Main login page; via Flix

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finder where you can select the movie title and search using the empty field to enter the movie title and hit go to search); and identifying a location for each of the one or more users (Store Policies and How To's, Under Shopping Car, Checkout and Express Checkout; via the name billing address, shipping address and credit card number, through this information the location for each user is identified).

From this teaching of Netflix, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the idea of bringing popular movies back to the theater taught in Ottawa with the idea of logging into a website, searching movies and combining that information with the location of the person logging in taught in Netflix for the purpose of allowing the user to search movies that they might want to see and keep track of the movies they thought were popular. The theater could have taken this information to guide them in what movies they should show to make the greatest profit.

As per claim 7, Ottawa teaches the above-enclosed invention, but fails to disclose wherein determining whether a threshold for the movie is satisfied further comprises monitoring the threshold as additional requests are received.

Netflix teaches wherein determining whether a threshold for the movie is satisfied further comprises monitoring the threshold as additional requests are received (Main login Page; via Top 10 Rentals, with this button users can monitor the 10 most requested movies).

From this teaching of Netflix, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the idea of bringing popular

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movies back to the theater taught in Ottawa with the button to monitor the most requested movies taught in Netflix for the purpose of aiding the theater in replaying the most requested movies.

As per claim 11, Ottawa teaches the above-enclosed invention of claim 1, but fails to teach a computer-readable medium having computer executable instructions for performing the method.

Netflix teaches a computer-readable medium for having computer executable instructions for performing the method (Main login Page; via being accessible through the website the instructions being stored on a hard drive on a server for the website)

From this teaching of Netflix, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the idea of bringing popular movies back to the theater taught in Ottawa with the computer instructions for implementing the method taught in Netflix for the purpose of aiding the theater in tracking the requests and collecting the payment.

As per claim 12, Ottawa teaches a method for showing the movie in the theater, where the movie has been shown previously in a theater and is not currently scheduled to be shown, in a theater again (Abstract; via back by popular demand, this showing that the movies were at one time shown in the theater and are currently not. This also shows that these movies are scheduled to be shown again due to demand). Ottawa further teaches comparing the interest level data against a pre-determined threshold (Abstract; via back by popular demand, this demand was great enough to have the theater replay those movies); and releasing the movie for viewing in the theater when

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the interest level data surpasses the pre-determined threshold (Abstract; via The festival began Thursday and runs daily until March 31, this showing that the movies are going to be shown again since the demand was high enough).

Ottawa fails to teach, receiving input at a website from one or more users of the website, wherein the input represents a movie that the one or more users desire to see in a theater; maintaining interest level data at the website in response to the input from the one or more users, wherein the interest level data represents a commitment of the one or more users to view the movie in the theater.

Netflix teaches receiving input at a website from one or more users of the website, where in the input represents a movie that the one or more users desire to see in a theater (Main login Page; via the Returning visitor check in, where the users log into the website and view the movies they are interested in. Top 10 rentals where the information that the users submit to the site is then monitored to maintain the interest level of a movie). Netflix further teaches maintaining interest level data at the website in response to the input from the one or more users, wherein the interest level data represents a commitment of the one or more users to view the movie in the theater (Main Login Page; via the Top 10 rentals, the information that is collected about the most requested movies is stored and monitored by the website).

From this teaching of Netflix, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the idea of showing a previously shown movie after the users desire reaches a threshold taught in Ottawa with the displaying, monitoring and tracking of requests by users on a website taught in

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Netflix for the purpose of aiding the theater in deciding which movies to bring back and what potential there is for profit.

As per claim 14, Netflix further teaches displaying the interest level data on the website (Main Login Page; via the Top 10 Rentals, the interest level is displayed through that button).

From this teaching of Netflix, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the idea of showing a previously shown movie after the users desire reaches a threshold taught in Ottawa with the displaying, monitoring and tracking of requests by users on a website and then further displaying that interest information taught in Netflix for the purpose of aiding the theater in deciding which movies to bring back and allowing the users to see which movies are most popular.

As per claim 15, Netflix further teaches committing some of the one or more users to view the particular movie (Main Login Page; via the Rent It tags, the user can commit to viewing that particular movie and they movie is sent to them and they are charged a fee).

From this teaching of Netflix, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the idea of showing a previously shown movie after the users desire reaches a threshold taught in Ottawa with the committing users to viewing a movie by the user selecting to rent that movie shown in Netflix for the purpose of ensuring profit, if the theater gets an upfront commitment from the users they will have nothing to fear in showing the film.

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As per claim 16, Netflix further teaches receiving a commitment from some of the one or more users, wherein the commitment is not collected until the interest level data has surpassed the pre-determined threshold (Main Login Page; via the Rent it tag, through this tag the commitment of the user is acquired and this interest level is enough to surpass the pre-determined threshold of one person then the amount of the commitment is collected).

From this teaching of Netflix, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the idea of showing a previously shown movie after the users desire reaches a threshold taught in Ottawa with the collection of commitment after the interest level has been met shown in Netflix for the purposes of ensuring profit, if the theater gets an upfront commitment from the users they will have nothing to fear in showing the film.

As per claim 18, Netflix further teaches a computer-readable medium for having computer executable instructions for performing the method (Main login Page; via being accessible through the website the instructions being stored on a hard drive on a server for the website)

From this teaching of Netflix, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the idea of bringing popular movies back to the theater taught in Ottawa with the computer instructions for implementing the method taught in Netflix for the purpose of aiding the theater in tracking the requests and collecting the payment.

As per claim 24, Ottawa teaches the above enclosed invention in claim 19, but fails to disclose wherein determining a commitment of one or more users to view the movie in the particular theater further comprises receiving a request from a particular user for the particular movie.

Netflix teaches determining a commitment of one or more users to view the movie in the particular theater further comprises receiving a request from a particular user for the particular movie (Main Login Page; via Returning Visitor Check In, the customer can login and request a movie and then that movie is sent to them after they fee is collected).

From this teaching of Netflix, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the idea of showing a previously shown movie after the users desire reaches a threshold taught in Ottawa with the user selected movies shown in Netflix for the purposes of the theater showing the movies the customers wish to see, this in turn would aid the theater in generating the greatest revenue.

As per claim 25, Netflix further discloses wherein determining a commitment of one or more users to view the movie in the particular theater further comprises searching for the particular movie (Main Login Page; via the FlixFinder which allows customers to search by movie title for different movies they might want to see).

From this teaching of Netflix, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the idea of showing a previously shown movie after the users desire reaches a threshold taught in Ottawa with

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the ability to search for a movie on a website as shown in Netflix for the purpose of aiding the user in finding the different films that are available to be shown in the theater.

As per claim 26 as best understood, Ottawa teaches the above-enclosed invention in claim 19, but fails to disclose linking to or from other websites that provide information related to the particular movie.

Netflix teaches linking to or from other websites that provide information related to the particular movie (About NetFlix.com; via Partners AMG is referenced with their associated sites with information about particular movies).

From this teaching of Netflix, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the idea of showing a previously shown movie after the users desire reaches a threshold taught in Ottawa to include linking to information from other movie resources taught in Netflix for the purposes of aiding the customer in the decision making process.

13. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ottawa as applied to claim 3 above, and further in view of O'Brien: "Shortage of ticket sales pulls plug on bethel" (8/8/1994).

As per claim 4, Ottawa teaches the above-enclosed invention, but fails to teach wherein receiving payment from the one or more users further comprises refunding payment to the one or more users if the threshold is not satisfied or if the threshold is not satisfied in a particular time period.

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O'Brien teaches wherein receiving payment from the one or more users further comprises refunding payment to the one or more users if the threshold is not satisfied or if the threshold is not satisfied in a particular time period (Abstract; via refund for ticket buyers because of the cancellation of the show due to severe shortage of ticket sales).

From this teaching of O'Brien, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the idea of bringing popular movies back to the theater taught in Ottawa with the idea that if they threshold is not met the show would be canceled and the people who already bought tickets would receive a refund taught in O'Brien for the purposes of continuing a good customer relationship, and also not potentially losing money on an event that would have a poor customer turn out.

14. Claims 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ottawa as applied to claims 1 and 19 above, and further in view of McKenna: Louisiana State Univ. looking at funding stadium with PSLs (11/23/1998).

As per claim 8, Ottawa teaches the above-enclosed invention, but fails to disclose that notifying the one or more users that the threshold can be satisfied if at least one of the one or more users pays a premium for the movie.

McKenna teaches notifying the one or more users that the threshold can be satisfied if at least one of the one or more users pays a premium for the movie (Page 2 paragraph 8; via members pay staggered premiums for the right to repurchase tickets they pay these premiums in order to continue with the events at the stadium).

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From this teaching of McKenna, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the idea of bringing popular movies back to the theater taught in Ottawa with the concept of paying premiums for the purpose of getting events held taught in McKenna for the purpose of making an event more profitable, if the event wasn't going to generate enough money it might be cancelled in this case even if they didn't have enough attendance the premiums would offset the losses from attendance.

As per claim 23, Ottawa teaches the above-enclosed invention, but fails to disclose asking some of the one or more users to pay a premium such that the threshold is satisfied with fewer users.

McKenna teaches asking some of the one or more users to pay a premium such that the threshold is satisfied with fewer users (Page 2 paragraph 8; via members pay staggered premiums for the right to repurchase tickets they pay these premiums in order to continue with the events at the stadium).

From this teaching of McKenna, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the idea of bringing popular movies back to the theater taught in Ottawa with the concept of paying premiums for the purpose of getting events held taught in McKenna for the purpose of making an event more profitable, if the event wasn't going to generate enough money it might be cancelled in this case even if they didn't have enough attendance the premiums would offset the losses from attendance.

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15. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ottawa in view of Netflix, further in view of Ticketmaster: FAQs (11/9/2000) hereafter Ticketmaster.

As per claim 13, the combination of Ottawa and Netflix teaches the above-enclosed invention of claim 12, but fails to disclose receiving input further comprises receiving input over a telephone system.

Ticketmaster teaches receiving input over a telephone system (FAQs, How do I purchase tickets offline; via worldwide Charge-by-Phone centers, allowing the customer to call a number for to place a ticket request).

From this teaching of Ticketmaster, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of playing a previously viewed movie in a movie theater through tracking interest level information from users on a website taught by the combination of Ottawa and Netflix to include the option of calling in a request taught by Ticketmaster for the purposes of reaching those customers who don't have access to the internet and still want to make a request.

As per claim 17, the combination of Ottawa and Netflix teaches the above-enclosed invention of claim 12, but fails to disclose wherein the interest level data further comprises one or more indicators, wherein each indicator corresponds to a different location, further comprising displaying a particular indicator to a particular user, wherein a location associated with the particular indicator is also associated with a particular user.

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Ticketmaster teaches that a particular user is identified with a particular location in terms of where the event is taking place (FAQs; via the boxes to fill in the even they wish to go to and the state they are in. FAQs, What is the easiest way to purchase tickets for an event in another state; via Sometimes a promoter or artist may determine a selling area for a particular event, so Ticketmaster must limit the calling area this limits the venues some particular customers would be able to attend. However, there is always the Internet option for those customers in relation to where they are what event they want to see).

From this teaching of Ticketmaster, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of playing a previously viewed movie in a movie theater through tracking interest level information from users on a website taught by the combination of Ottawa and Netflix to include a location taught by Ticketmaster to aid customers in selecting a venue that is with in a desired radius.

16. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ottawa as applied to claim 19 above, and further in view of Ticketmaster.

As per claim 20, Ottawa teaches the above-enclosed invention, but fails to disclose wherein determining a commitment of one or more users to view the movie in the particular theater further comprises: receiving payment from some of the one or more users before the threshold is satisfied; and receiving payment from some of the one or more users after the threshold has been satisfied.

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Ticketmaster teaches that payment can be received before the threshold has been satisfied and after the threshold has been satisfied (FAQs, Am I at a disadvantage buying my tickets online versus at other distribution points; via the different points at which a customer can purchase tickets which are online, Charge-by-Phone centers, Ticket Centers and box offices. All distribution points access the same ticketing system and inventory. It is inherent that tickets can be bought at the door of the box office the night of the event provided there are any left).

From this teaching of Ticketmaster, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the idea of showing a previously shown movie after the users desire reaches a threshold taught in Ottawa with the idea that tickets can be bought at any time during the process until they are sold out taught by Ticketmaster for the purpose of making as much money off the event as possible.

As per claim 21 Ticketmaster further discloses wherein receiving payment from some of the one or more users after the threshold has been satisfied further comprises receiving payment before notifying the one or more users that the threshold has been satisfied (FAQs, Am I at a disadvantage buying my tickets online versus at other distribution points; via the different points at which a customer can purchase tickets which are online, Charge-by-Phone centers, Ticket Centers and box offices. All distribution points access the same ticketing system and inventory. It is inherent that tickets can be bought at the door of the box office the night of the event provided there are any left, FAQs, The event for which I purchased tickets has been cancelled or

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postponed. How do I get a refund; via events are cancelled by the promoter, this shows that events can fail to hit the threshold and be cancelled. Customers who paid for tickets before the threshold was met are then refunded).

From this teaching of Ticketmaster, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the idea of showing a previously shown movie after the users desire reaches a threshold taught in Ottawa with the ability to receive payment after the threshold has been met and before notifying the user that the threshold has been met as shown in Ticketmaster for the purposes of getting as much profit from an event as possible, while still allowing for the event to be cancelled at any point for any reason.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul R. Fisher whose telephone number is (571) 270-5097. The examiner can normally be reached on Mon/Fri [7:30am/5pm] with first Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571) 270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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